

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
)
 Vignoles et al.) Group Art Unit: 2137
)
 Application No. 09/916,929) Examiner: Schubert, K.
)
 Filed: July 26, 2001)
)
 For: ANTI-VIRUS SCANNING CO-PROCESSOR)

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES
 OR IN A NAFTA OR WTO MEMBER COUNTRY
 TO OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. section 1.131)**

PURPOSE OF DECLARATION

1. This declaration is to establish completion of the invention in this application in the United States or a NAFTA/WTO member country at a date prior to June 13, 2001, which is the effective date United States Patent Application 2002/0194212 that was cited by the Examiner.
2. The person making this declaration is an inventor, Chris A. Barton.

FACTS AND DOCUMENTARY EVIDENCE

3. To establish the date of completion of the invention of this application, the following statement and exhibit are submitted as evidence:

EXHIBIT A— Confidential disclosure document generated before the filing of the present patent application showing the conception and/or reduction of practice of an anti-virus co-processor at least as early as June 04, 2001. See attached.

STATEMENT: I, Chris A. Barton, hereby state that the invention in the above patent application was conceived at a date prior to June 13, 2001, as evidenced, at least in part, by **EXHIBIT A**. In particular, at a date prior to June 13, 2001, the invention in the above patent application was conceived to include a technique for scanning data, comprising: executing scanning control logic utilizing a central processing unit; identifying a request related to data at the central processing unit; indicating the data to a scanning co-processor coupled to the central processing unit so that the data is scanned by the scanning co-processor under the control of the scanning control logic; waiting for results from the scanning co-processor; executing additional logic utilizing the central processing unit while waiting for the results from the scanning co-processor; and initiating an event based on the results from the scanning co-processor; wherein the scanning co-processor is under the control of the central processing unit via the execution of the scanning control logic by the central processing unit;

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wherein it is determined whether the data meets a predetermined criteria, where the criteria is based on a type of a file associated with the data; wherein the data is sent to the scanning co-processor if it is determined that the data meets the predetermined criteria; wherein additional data to be scanned by the scanning co-processor is queued while waiting for the results from the scanning co-processor, as well as other claimed features.

From this statement and attached exhibit, it is clear that the invention in this application was made at a date prior to June 13, 2001.

DILIGENCE

4. It is hereby declared that applicants acted diligently from a time prior to the effective date United States Patent Application 2002/0194212 up to reduction to practice or the filing of the above application.

TIME OF PRESENTATION OF THE DECLARATION

5. This declaration is submitted with a first reply after a final rejection for the purpose of overcoming a new ground of rejection or requirement made in such final rejection. Thus, the declaration submitted herewith is considered timely and should be considered. See MPEP 715.09 (C).

DECLARATION

6. As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's signature:

SIGNATURE(S)

Chris A. Barton

Date: 14/JUNE/2005

Country of Citizenship:

UK

Residence:

8 SYCAMORE LEYS
STEEDLE CLAYDON MK18 2RH.

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